

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JOHN ROBERT DEMOS, JR.,

Plaintiff,

v.

ALEX GORSKY, et al.,

Defendants.

CASE NO. C22-0792 BHS

ORDER ADOPTING REPORT  
AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable J. Richard Creatura, United States Magistrate Judge, Dkt. 2, and Plaintiff’s objections to the R&R, Dkt. 3.

Demos is under a pre-filing bar order in this Court and in multiple other courts. *See* Dkt. 2 at 2. He filed his complaint after filing three previous IFP applications this year and without the affidavit required under his bar order. *Id.* at 2. Judge Creatura recommends this Court dismiss his complaint without prejudice, both because of Demos’s bar order and because the complaint is “patently frivolous.” *Id.* Demos objects, arguing that the bar order violates his First Amendment rights. Dkt. 3.

1 The district judge must determine de novo any part of the magistrate judge's  
2 disposition that has been properly objected to. The district judge may accept, reject, or  
3 modify the recommended disposition; receive further evidence; or return the matter to the  
4 magistrate judge with instructions. Fed. R. Civ. P. 72(b)(3).

5 Demos's bar order does not prevent him from petitioning the Government, but  
6 rather limits him to filing three IFP applications each year and requires him to  
7 accompany each application with an affidavit that the claims have not been presented in  
8 any other action and that he will support his claims with evidence. He has exceeded his  
9 annual limit of IFP applications this year and he failed to file the requisite affidavit.  
10 Moreover, his complaint is frivolous.

11 The Court having considered the R&R, Plaintiff's objections, and the remaining  
12 record, does hereby order as follows:

- 13 (1) The R&R is **ADOPTED**;
- 14 (2) Demos's Motion for Leave to Proceed *in forma pauperis* is **DENIED**;
- 15 (3) This matter is **DISMISSED without prejudice**;
- 16 (4) The Clerk shall enter a **JUDGMENT** and close the case; and
- 17 (5) The Clerk is directed to send copies of this Order to Plaintiff and to Judge  
18 Creatura.

19 Dated this 12th day of July, 2022.

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22 BENJAMIN H. SETTLE  
United States District Judge